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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,047	03/22/2004	John Neil Cobb	1033-MS1020	1540
60533 7590 04/30/2007 TOLER SCHAFFER, LLP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759				
			EXAMINER VEILLARD, JACQUES	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 04/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/806,047	Applicant(s) COBB ET AL.	
	Examiner Jacques Veillard	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/11/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Applicant's communication filed on 4/11/2007.
2. Claims 1-28 are pending and presented for examination.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on April 11, 2007 complies with the provisions of 37 CFR 1.97. Accordingly, it has been placed in the application file. The information referred to therein has been considered as to the merits.

Response to Arguments

4. Applicant's arguments with respect to claims 12-28 have been fully considered but are moot in view of the new ground(s) of rejection.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned

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with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 12-28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Co-pending application No. 11/595,099. This is provisional-type double patenting since the conflicting claim is not yet been patented.

7. It is noted that, the claims of the instant application are broader. The subject matter claimed in the instant application is fully disclosed in the U.S. Co-pending application No. 11/595,099 and would cover any patent granted on that U.S. Co-pending application since the U.S. Co-pending application No. 11/595,099 and the instant application are claiming common subject matter. Although the conflict claim is not identical, it is not patentably distinct from each other because of the following reasons: Claim 12 and claim 21 of the instant application substantially recite the limitations of claim 1 and claim 9 of U.S. Co-pending application No. 11/595,099. Let take claim 12 of the instant application and claim 1 of the Co-pending application for illustration purposes. Claim 1 of the Co-pending application merely omits certain limitations and replaces by the bolded limitations in the instant application as shown in comparison table below.

Co-pending application 11/595,099 claim 1	Instant application 10/806,047 claim 12
1. A method of content management comprising:	12. A method of content management comprising:

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<p>receiving a user input entered in a plurality of grammatical structured text entry elements associated with a content subject, each of the plurality of grammatical structured text entry elements having a rhetorical structure to facilitate selective assembly into at least one sentence;</p> <p>storing the plurality of grammatical structured text entry elements in a data record associated with the content subject;</p> <p>converting at least a portion of the data record into a structured format file supporting rhetorical elements, the structured format file including at least one grammatical structured text entry element of the plurality of grammatical structured text entry elements;</p> <p>and</p>	<p>receiving a user input entered in a plurality of grammatical structured text entry elements associated with a content subject, each of the plurality of grammatical structured text entry elements having a rhetorical structure to facilitate selective assembly into at least one sentence;</p> <p>storing the plurality of grammatical structured text entry elements in a data record associated with the content subject, the text entry elements configured in accordance with a structure based upon an audience profile;</p> <p>converting at least a portion of the data record into a structured format file supporting rhetorical elements, the structured format file including at least one grammatical structured text entry element of the plurality of grammatical structured text entry elements;</p> <p>and</p>
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rendering an electronically displayable document using the structured format file, the electronically displayable document including the at least one grammatical structured text entry element integrated into at least one sentence.	rendering an electronically displayable document using the structured format file, the electronically displayable document including the at least one grammatical structured text entry element integrated into at least one sentence, the displayable document assembled in response to the audience profile.

It would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the steps as indicated claim 12 of instant application No.

10/806,047 since the omission and addition of the cited limitations would have not changed the process according to which a method for content management comprising: receiving a user input entered in a plurality of grammatical structured text entry elements associated with a content subject, each of the plurality of grammatical structured text entry elements having a rhetorical structure to facilitate selective assembly into at least one sentence; storing the plurality of grammatical structured text entry elements in a data record associated with the content subject, the text entry elements configured in accordance with a structure based upon an audience profile; converting at least a portion of the data record into a structured format file supporting rhetorical elements, the structured format file including at least one grammatical structured text entry element of the plurality of grammatical structured text entry elements; and rendering an electronically displayable document using the structured format file, the

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electronically displayable document including the at least one grammatical structured text entry element integrated into at least one sentence, the displayable document assembled in response to the audience profile. Therefore, the ordinary skilled artisan would have also motivated to modify claim 1 of the Co-pending application by adding the steps wherein *the text entry elements configured in accordance with a structure based upon an audience profile... the displayable document assembled in response to the audience profile*. The cited omitting elements would not interfere with the functionality of the steps previously claimed and would perform the same function. *In re karlson*, 136 USPQ 184 CCPA 1963).

The dependent claims of the instant application included in the statement of rejection but not specifically addressed in the body of the rejection have inherited the deficiencies of their parent claims and have not resolved the deficiencies. Therefore, they are rejected directly or indirectly based on the same rationale as applied to their parent claims above.

Allowable Subject Matter

8. The application has been thoroughly reviewed, upon searching a variety of databases; the Examiner respectfully submits that claims 1-11 are allowable in light of the prior art made of record.

Reasons for Indicating Allowable Subject matter

9. The following is an examiner's statement of reasons for allowance: Upon searching a variety of databases, the examiner submits that --management system containing a plurality of grammatical syntax elements having a rhetorical structure to facilitate selective assembly into at

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least one sentence with an audience profile stored in a memory, wherein the audience profile including a plurality of audience factors related to desired presentation of a content subject-- as embodied in independent claim 1, in context with the other limitations of the claims was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

Other Prior Art Made Of Record

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advise the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

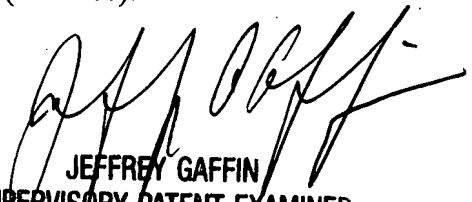
Points Of Contact

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272- 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


J.V.

Jacques Veillard
Patent Examiner TC 2100

April 26, 2007